

**If I purchase a handgun from a private person, do I have to complete a transfer form?**

No. Indiana does not require the completion of a form for a private purchase nor do you have to route the transfer through a dealer. Recommend reviewing statutes in IC 35-47-2.5 which is the chapter regulating the sale of handguns in regards to a private sale or purchase. The department also recommends exchanging receipts to document the transfer.

**Do I have to register my handgun in Indiana?**

No. Indiana law does not require registration. Federal forms must be completed when purchasing a handgun from a dealer, but not private transfers or sales; however this is not a state registration program.

**I went to a dealer to purchase a handgun and was denied?**

The instant check completed on a handgun purchase in the state of Indiana is done through the FBI and their National Instant Criminal Background Check System (NICS). This is not controlled by the state of Indiana. Information is available on the FBI website on how to appeal a denial.

**I am purchasing a weapon from a private person. Can I call the Firearms Licensing Section to see if it is stolen?**

No. The Indiana State Police Firearms Licensing Section does not perform checks on handguns or weapons to see if they are stolen. Call your local police department or state police post to see if or how a check can be performed. It is likely that the weapon will need to be inspected by an officer. Do not walk into a police department or post with a weapon without calling that jurisdiction first for instructions.

**What is the legal definition of a handgun under Indiana Law?**

IC 35-47-1-6 "Handgun"

35-47-1-6 Sec. 6. "Handgun" means any firearm:

- (1) designed or adapted so as to be aimed and fired from one (1) hand, regardless of barrel length; or
- (2) any firearm with:
  - (A) a barrel less than sixteen (16) inches in length; or
  - (B) an overall length of less than twenty-six (26) inches.

## **Does the state regulate the purchasing of handguns?**

The relevant chapter in statute is IC 35-47-2.5

The state does require handgun dealers to have an Indiana dealer's license. Indiana law requires the dealer to complete a check through the National Instant Criminal Background Check System maintained by the Federal Bureau of Investigation and for prospective purchasers to complete federal form 4473 on each purchase.

## **I am a resident of another state. Can I purchase a handgun in Indiana?**

No. However, a handgun can be shipped from an Indiana dealer to a dealer in your home state where you can receive the weapon in accordance with federal law.

### **IC 35-47-2.5-14**

#### **Providing handgun to ineligible purchaser; exemptions**

Sec. 14. (a) This section does not apply to a person who provides a handgun to the following:

- (1) A child who is attending a hunters safety course or a firearms safety course or an adult who is supervising the child during the course.
- (2) A child engaging in practice in using a firearm for target shooting at an established range or in an area where the discharge of a firearm is not prohibited or is supervised by:
  - (A) a qualified firearms instructor; or
  - (B) an adult who is supervising the child while the child is at the range.
- (3) A child engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under Section 501(c)(3) of the Internal Revenue Code that uses firearms as a part of a performance or an adult who is involved in the competition or performance.
- (4) A child who is hunting or trapping under a valid license issued to the child under IC 14-22.
- (5) A child who is traveling with an unloaded firearm to or from an activity described in this section.
- (6) A child who:
  - (A) is on real property that is under the control of the child's parent, an adult family member of the child, or the child's legal guardian; and
  - (B) has permission from the child's parent or legal guardian to possess a firearm.
- (b) A person who purchases a handgun with the intent to:
  - (1) resell or otherwise provide the handgun to another person who the person knows or has reason to believe is ineligible for any reason to purchase or otherwise receive from a dealer a handgun; or
  - (2) transport the handgun out of the state to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm;

commits a Class D felony.

(c) If the violation of this section involves a transfer of more than one (1) handgun, the offense is a Class C felony.

*As added by P.L.17-1997, SEC.8.*

### **IC 35-47-2.5-15**

#### **Ineligible purchaser attempting to purchase handgun; violation**

Sec. 15. (a) A person who is ineligible to purchase or otherwise receive or possess a handgun in Indiana who knowingly or intentionally solicits, employs, or assists any person in violating section 14 of this chapter commits a Class D felony.

(b) If the violation involves a transfer of more than one (1) handgun, the offense is a Class C felony.

*As added by P.L.17-1997, SEC.8.*

### **I have a felony record, can I possess a firearm?**

No, federal law prohibits a convicted felon from owning or possessing a firearm.

### **I have a felony record, can I possess a cap and ball musket?**

Yes, unless your felony conviction is for a crime listed under IC 35-47-4-5.

### **IC 35-47-4-5**

#### **Unlawful possession of firearm by serious violent felon**

35-47-4-5 Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

(1) committing a serious violent felony in:

(A) Indiana; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or

(2) attempting to commit or conspiring to commit a serious violent felony in:

(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

(1) murder (IC 35-42-1-1);

(2) voluntary manslaughter (IC 35-42-1-3);

(3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);

(4) battery as a:

(A) Class A felony (IC 35-42-2-1(a)(5));

(B) Class B felony (IC 35-42-2-1(a)(4)); or

(C) Class C felony (IC 35-42-2-1(a)(3));

(5) aggravated battery (IC 35-42-2-1.5);

(6) kidnapping (IC 35-42-3-2);

- (7) criminal confinement (IC 35-42-3-3);
  - (8) rape (IC 35-42-4-1);
  - (9) criminal deviate conduct (IC 35-42-4-2);
  - (10) child molesting (IC 35-42-4-3);
  - (11) sexual battery as a Class C felony (IC 35-42-4-8);
  - (12) robbery (IC 35-42-5-1);
  - (13) carjacking (IC 35-42-5-2);
  - (14) arson as a Class A felony or Class B felony (IC 35-43-1-1(a));
  - (15) burglary as a Class A felony or Class B felony (IC 35-43-2-1);
  - (16) assisting a criminal as a Class C felony (IC 35-44-3-2);
  - (17) resisting law enforcement as a Class B felony or Class C felony (IC 35-44-3-3);
  - (18) escape as a Class B felony or Class C felony (IC 35-44-3-5);
  - (19) trafficking with an inmate as a Class C felony (IC 35-44-3-9);
  - (20) criminal gang intimidation (IC 35-45-9-4);
  - (21) stalking as a Class B felony or Class C felony (IC 35-45-10-5);
  - (22) incest (IC 35-46-1-3);
  - (23) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
  - (24) dealing in methamphetamine (IC 35-48-4-1.1);
  - (25) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
  - (26) dealing in a schedule IV controlled substance (IC 35-48-4-3); or
  - (27) dealing in a schedule V controlled substance (IC 35-48-4-4).
- (c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Class B felony.